

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition for
Penalty Relief of:**

Daniel S. Dietrich, M.D.

Case No. 26-2011-219510

**Physician's and Surgeon's
Certificate No. A 95731**

Respondent


DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 28, 2012.

IT IS SO ORDERED August 30, 2012.

MEDICAL BOARD OF CALIFORNIA

By: 
**Janet Salomonson, M.D., Vice Chair
Panel A**

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Penalty
Relief of:

DANIEL S. DIETRICH, M.D.,

Physician and Surgeon's Certificate No.
A95731,

Petitioner.

Case No. 26-2011-219510

OAH No. 2012060309

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on August 13, 2012.

Susan K. Meadows, Deputy Attorney General, represented the Department of Justice.

Petitioner Daniel S. Dietrich, M.D., was present and was represented by Thomas E. Still, Attorney at Law.

The matter was submitted on August 13, 2012.

FACTUAL FINDINGS

1. Daniel S. Dietrich, M.D., (petitioner) holds physician and surgeon's certificate No. A95731. He signed a Petition for Penalty Relief, Termination of Probation, on November 8, 2011.

2. Petitioner's license was placed on probation by the California Medical Board pursuant to a Decision that became effective November 9, 2009. That decision was based on cause for discipline involving petitioner's military court martial for inappropriate sexual conduct with subordinates.

3. Petitioner is in compliance with all of the terms and conditions of probation. Petitioner participated in a psychiatric evaluation by a psychiatrist acceptable to the Board. He was deemed safe to practice without psychotherapy. However, petitioner participated in

psychotherapy for 15 months. Through this psychotherapy he gained insight into his behavior.

4. Petitioner completed both an ethics course and a professional boundaries course acceptable to the Board.

5. Petitioner has served almost three years of his five-year probation. The Board's investigation corroborated petitioner's testimony that he has met all the terms and conditions of his probation including full payment of all the probation monitoring costs.

6. Petitioner is employed as a diagnostic radiologist for Valley MRI and Radiology, Inc., in Stockton, California. He has been employed there for almost five years. They are aware of his probationary status and why he was placed on probation. They decided to keep him on as an employee after a six-week administrative leave. He plans to continue working there full time.

7. Petitioner presented two letters of recommendation. One from William Aubrey Federal, M.D., President of Valley MRI and petitioner's supervisor; and one from Charles A. Stillman, D.O., a colleague and fellow radiologist at Valley MRI. They both are aware of the circumstances of petitioner's probationary order in California. They support petitioner's early termination of probation. Both letters describe petitioner as exhibiting the highest professional standards, including professionalism, respect and courtesy toward all his fellow employees. He is a dependable and successful addition to Valley MRI.

8. Petitioner wants to terminate his probation early to save himself and the State of California the time and expense of probation. Petitioner has learned a great deal from this experience. He has changed his life and attitude. He lost everything after the court martial including his home, his marriage, and his military benefits and career. He has rebuilt his life with a new attitude and understanding of how his behavior can affect others. It would not be against the public interest to terminate petitioner's probation at this time. He has demonstrated rehabilitation and is safe to practice medicine without restriction.

LEGAL CONCLUSIONS

Pursuant to the Findings set forth above, petitioner has demonstrated good cause to grant his petition for penalty relief – termination of probation under Business and Professions Code section 2307 and Government Code section 11522, in that he has demonstrated that he is safe to practice medicine without restriction.

ORDER

The petition of Daniel S. Dietrich, M.D., physician and surgeon's certificate No. A95731, for termination of probation is hereby granted. Petitioner's probation is terminated.

DATED: August 15, 2012

Ruth S. Astle

RUTH S. ASTLE

Administrative Law Judge

Office of Administrative Hearings